THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 3111 of 2006

Dated: 28-03-2006

Between:

Mamidla Seshadri

..... PETITIONER

AND

The Prohibition and Excise
Superintendent, Nalgonda and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 3111 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 and 2 in not securing the compliance from the third respondent to the proceedings of the first respondent dated 21-12-2005 under which the third respondent-Society was directed to allot toddy trees to the 19 members mentioned thereunder including the petitioner is arbitrary and illegal.

The petitioner claims to be a member of the third respondent-Society. He states that under the proceedings dated 21-12-2005, the first respondent-Prohibition and Excise Superintendent has clearly held that 19 members are having membership in the third respondent-Society and therefore, they should be allotted the trees for tapping. The grievance of the petitioner is that in spite of the said directions, the third respondent failed to implement the same and the respondents 1 and 2 have also failed to take necessary steps in securing compliance to the proceedings dated 21-12-2005. Hence, this writ petition.

The first respondent-Prohibition and Excise Superintendent filed a counter affidavit merely stating that neither the petitioner nor the committee of the third respondent-Society informed to the office of the first respondent about the alleged non-allotment of toddy trees.

However, the third respondent-Society filed a counter affidavit stating that 33 persons including the petitioner were removed from the Society on 27-09-2005 by a general body resolution on the ground that they were disqualified to continue as members of the society under the by-laws of the Society.

Having regard to the specific stand taken by the third respondent-Society, which fact was not taken into consideration by the first respondent while passing the proceedings dated 21-12-2005, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to conduct enquiry into the fact whether the petitioner is being continued as member of the third respondent-Society as on today and to pass appropriate orders in accordance with law. It is made clear that both the petitioner as well as the third respondent shall be afforded due opportunity before passing any such order. In case, it is found that the petitioner is holding membership, as on today, the third respondent is directed to implement the proceedings of the first respondent dated 21-12-2005 within two weeks.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI,J

Dated: 28-03-2006
Klp